

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JOHN M. REED,

Plaintiff,

v.

ALAMEDA COUNTY,

Defendant.

No. C 14-4784 NJV (PR)

**ORDER FOR PETITIONER TO
SHOW CAUSE**

This is a civil rights filed pro se by a pretrial detainee incarcerated at Santa Rita Detention Facility. He states that his attorney failed to raise a speedy trial motion and request an evidentiary hearing. Plaintiff seeks to be released from custody and for compensation.

Under principles of comity and federalism, a federal court should not interfere with ongoing state criminal proceedings by granting injunctive or declaratory relief absent extraordinary circumstances. *See Younger v. Harris*, 401 U.S. 37, 43-54 (1971). Federal courts should not enjoin pending state criminal prosecutions absent a showing of the state's bad faith or harassment, or a showing that the statute challenged is "flagrantly and patently violative of express constitutional prohibitions." *Younger*, 401 U.S. at 46, 53-54 (cost, anxiety and inconvenience of criminal defense not kind of special circumstances or irreparable harm that would justify federal court intervention; statute must be unconstitutional in every "clause, sentence and paragraph, and in whatever manner" it is applied). Abstention may be inappropriate in the "extraordinary circumstance" that (1) the party seeking relief in federal court does not have an adequate remedy at law and will suffer irreparable injury if denied equitable relief, *see Mockaitis v. Harclerod*, 104 F.3d

1 1522, 1528 (9th Cir. 1997) (citing *Younger*, 401 U.S. at 43-44), or (2) the state tribunal is
2 incompetent by reason of bias, see *Gibson v. Berryhill*, 411 U.S. 564, 577-79 (1973). A
3 party who alleges bias must overcome a presumption of honesty and integrity in those
4 serving as adjudicators. See *Hirsh v. Justices of the Supreme Court of Cal.*, 67 F.3d 708,
5 713 (9th Cir. 1995) (citation omitted).

6 Petitioner shall show cause why this case should not be dismissed pursuant to
7 *Younger*.

8 **CONCLUSION**

9 Petitioner shall show cause by within **twenty-one (21) days**, why this case should
10 not be dismissed. Failure to reply will result in dismissal.

11 **IT IS SO ORDERED.**

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13 Dated: November 3, 2014.



NANDOR J. VADAS
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

JOHN M. REED,

No. 1:14-CV-04784 NJV (PR)

Plaintiff,

v.

CERTIFICATE OF SERVICE

ALAMEDA COUNTY,

Defendant.

I, the undersigned, hereby certify that on November 3, 2014, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

John M. Reed
AYG661
Santa Rita Detention Facility
5325 Broder Ave.
Dublin, CA 94568

/s/ Linn Van Meter

Linn Van Meter
Administrative Law Clerk to
the Honorable Nandor J. Vadas